

Strengthening the legal framework of early childhood care and education:

Towards universal access to inclusive and quality ECCE

Online side event during the 77th Session of the UN General Assembly

2 November 2022

10am New York Time / 3pm Geneva Time

Background

Early Childhood Care and Education (ECCE) is increasingly recognised as an essential element in realising a wide range of economic, social and cultural rights, including the right to education, enabling all children, including those in most vulnerable situations, to start school on an equal footing with their peers and improve overall educational achievement. The Education 2030 Framework for Action and the Sustainable Development Goals (SDGs) target 4.2, calls upon States to ensure at least one year of free, quality, and compulsory universal pre-primary education for all children by 2030.

The right to education is guaranteed in many international human rights treaties, and guaranteeing young children's universal access to ECCE is definitely part of the obligation of States to ensure the enjoyment of the right to education.

One year of free and compulsory quality pre-primary education –has been set up as a target for SDG 4. This was an important step to create momentum and raise awareness to the obligation of States under international human rights law, to ensure ECCE as an integral part of the right to education.

At the national level however, legal frameworks in many countries are not adequate to achieve goals for universal access to pre-primary education. [UNESCO's global study](#) on the right to pre-primary education estimates that only around 34% (63 out of 184) countries have adopted a minimum of 1-year pre-primary education, and around 28% (51 out of 184) adopted compulsory pre-primary education, with just 25% countries adopting free and compulsory pre-primary education.

ECCE is not systematically / enough seen as a priority in terms of public investment and other educational and developmental strategies. This has been evident from the recent experience of the COVID 19 pandemic, with ECCE mostly excluded in COVID-19 education response strategies. The closure of ECCE centres exacerbated the inequalities and disparities among children, showing the importance of developing frameworks and policies that guarantee the implementation of the right to education, including the provision of ECCE on a solid, perennial, and sustainable basis, including in times of emergencies and crises.

This indicates the need for:

- A better understanding on the obligations emanating from the human right to education on what concerns the provision of ECCE building on the rights of children in early childhood already recognised in several international legal instruments¹.
- The effective implementation of the rights of young children with regards to ECCE by reinforcing and developing legal and policy frameworks at the country level.

¹ See Right to Education Initiative. 2020. International instruments: the right to education and early childhood care and education. Available at: <https://www.right-to-education.org/resource/international-instruments-early-childhood-care-and-education>

The [Global Partnership Strategy for Early Childhood](#) (GPS), developed under UNESCO's leadership and launched in 2021, identifies this issue and includes a component on strengthening policy and governance on ECCE. In parallel to the GPS, UNESCO's global conversation on the Right to Education initiated, on the occasion of the 60th anniversary of the Convention against Discrimination in Education, a discussion on the evolving dimensions of the right to education² recognising ECCE as one of the key components of the right to education.

Building on these recent developments, the UN Special Rapporteur on the Right to Education will present at the UN General Assembly on the 18th of October 2022 a report fully dedicated to ECCE.³ At this occasion, we propose to co-organise an online side event to deepen this discussion with Member States, UN representatives, Academics, and Civil society organisations.

Objective

Provide a better understanding and a platform for an open discussion on the obligations emanating from the human right to education on what concerns the provision of ECCE.

Format & Agenda

90 minutes online event with short inputs in introduction to set the context followed by an interactive discussion with the audience, including states representatives from Geneva and New York Delegations, UN representatives, Academics, and Civil society organisations.

Inputs and speakers (45 minutes)

- **Opening by Portugal** – Introduction by Mr. Eduardo Pinto da Silva, Head of the Human Rights Division at the Ministry of Foreign Affairs, followed by Ms. Sónia Almeida, National Coordinator of the “Garantia para a Infância” Programme (Ministry of Labour, Solidarity and Social Security) highlighting the importance of ECCE and the recent national development to ensure ECCE free for all
- **ECCE is a gateway to inclusion: Concerns and Recommendations proposed by the Special Rapporteurs’ on Right to Education over the years.**
(Based on the [research brief](#) conducted by the Right to Education Initiative and the UNSR’s Report) – presenting by Rajakumari Michaelsamy, Right to Education Initiative
- **Early education as a human right: the evidence based in international human rights law**
(Based on research work done by [Prof. Sandra Fredman](#)) – with her presenting the existing international legal framework and the position of the UN treaty bodies
- **Right to Pre-Primary Education: An Overview of the National Laws and Policies.**
(Based on the [global Study](#) conducted by UNESCO on the right to pre-primary education) – Rolla Moumné presenting UNESCO comparative analysis showing that in states with a developed legal framework recognising free and compulsory pre-primary education, there is

² See: <https://www.unesco.org/en/education/right-education/evolving>

³ Reference to be added when the report will be published.

a better implementation. Mentioning UNESCO discussion on the evolving right to education and the Global Partnership Strategy on Early Childhood.

- **Strengthening ECCE Rights: ways forwards** (based on the UN Special Rapporteur report and the work developed by the collective CSOs with UNESCO) – presenting by the UN Special Rapporteur on the right to education

Interactive discussion (45 minutes)

Co-organisers

Ministry of Foreign Affairs of Portugal, the UN Special Rapporteur on the right to education, UNESCO, University of Oxford, Right to Education Initiative, World Organisation for Early Childhood Education (OMEP), Human Rights Watch and The Latin American Campaign for the Right to Education (CLADE).